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19 **UNITED STATES DISTRICT COURT**

20 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

21 CISCO SYSTEMS, INC.,

22 Plaintiff,

23 vs.

24 ARISTA NETWORKS, INC.,

25 Defendant.

CASE NO. 5:14-cv-5344-BLF (NC)

**DECLARATION OF SARA E. JENKINS
IN SUPPORT OF CISCO'S OPPOSITION
TO ARISTA'S MOTION FOR
JUDGMENT AS A MATTER OF LAW
AND CONDITIONAL MOTION FOR
NEW TRIAL**

26 Dept: Courtroom 3 - 5th Floor
27 Hearing Date: April 27, 2017
Hearing Time: 9:00 am
28 Judge: Hon. Beth Labson Freeman

DECLARATION OF SARA E. JENKINS

I, Sara E. Jenkins, hereby declare as follows:

1. I am an attorney licensed to practice in the State of California and am admitted to practice before this Court. I am an associate with the law firm Quinn Emanuel Urquhart & Sullivan, LLP, counsel for Plaintiff Cisco Systems, Inc. (“Cisco”). I have personal knowledge of the matters set forth in this Declaration, and if called as a witness I would testify competently to those matters.

2. Attached hereto as **Exhibit N** is a true and correct copy of transcript excerpts from the trial of *Cisco Systems, Inc. v. Arista Networks, Inc.*, Case No. 5:14-cv-5344-BLF (NC) (the “*Cisco v. Arista* trial”).

3. Attached hereto as **Exhibit O** are true and correct copies of 26 copyright certificates of registration issued by the U.S. Copyright Office, admitted as Trial Exhibit 4791 in the *Cisco v. Arista* trial.

4. Attached hereto as **Exhibit P** is a true and correct copy of a Cisco-produced document titled, “Parser-Police Manifesto, version 1.7.1,” admitted as Trial Exhibit 851 in the *Cisco v. Arista* trial.

5. Attached hereto as **Exhibit Q** is a true and correct copy of an Arista-produced set of slides titled, “Network World Test Report,” dated January 2010, admitted as Trial Exhibit 6095 in the *Cisco v. Arista* trial.

6. Attached hereto as **Exhibit R** is a true and correct copy of an Arista-produced document titled, “EOS CLI Conventions and Style Guidelines,” admitted as Trial Exhibit 295 in the *Cisco v. Arista* trial.

7. Attached hereto as **Exhibit S** is a true and correct copy of an Arista-produced document titled, “Arista Response to Sourcing Event for LEAF; Addendum A: Arista Executive Summary,” prepared for AT&T and dated November 2, 2015, admitted as Trial Exhibit 545 in the *Cisco v. Arista* trial.

8. Attached hereto as **Exhibit T** is a true and correct copy of an Arista-produced document titled, “Usability Comparison Study,” admitted as Trial Exhibit 488 in the *Cisco v. Arista* trial.

1 9. Attached hereto as **Exhibit U** is a true and correct copy of the Declaration of Charles
2 Giancarlo in Support of Plaintiff Cisco's Motion for Preliminary Injunction, filed on February 3, 2003
3 in connection with *Cisco Systems, Inc. v. Huawei Technologies Co.*, Case No. 2:03-CV-027, heard in
4 the U.S. District Court for the Eastern District of Texas, admitted as Trial Exhibit 250 in the *Cisco v.*
5 *Arista* trial.

6 10. Attached hereto as **Exhibit V** is a true and correct copy of an article by John Gallant
7 titled, "How Arista Networks got out in front of the SDN craze," published in *NetworkWorld* on
8 February 22, 2013 and admitted as Trial Exhibit 4745 in the *Cisco v. Arista* trial.

9 11. Attached hereto as **Exhibit W** is a true and correct copy of a June 16, 2010 email from
10 Adam Sweeney to Matthew Murray et al. with thread regarding "Bug 7642: RFE: configurable load-
11 balancing hash function for LAG and ECMP," admitted as Trial Exhibit 183 in the *Cisco v. Arista*
12 trial.

13 12. Attached hereto as **Exhibit X** is a true and correct copy of an October 9, 2012 email
14 from David McLeod to Lincoln Dale with thread regarding "Arista Networks," admitted as Trial
15 Exhibit 176 in the *Cisco v. Arista* trial.

16 13. Attached hereto as **Exhibit Y** is a true and correct copy of a June 20, 2012 email from
17 Lincoln Dale to Ariff Premji et al. with thread regarding "NETCONF interoperability," admitted as
18 Trial Exhibit 171 in the *Cisco v. Arista* trial.

19 14. Attached hereto as **Exhibit Z** is a true and correct copy of a June 13, 2012 email from
20 Kenneth Duda to Douglas Gourlay with thread regarding "Cisco ONE slides," admitted as Trial
21 Exhibit 187 in the *Cisco v. Arista* trial.

22 15. Attached hereto as **Exhibit AA** is a true and correct copy of March 4, 2014 email from
23 Suneel Venati to Richard Whitney et al. with thread regarding "[RFE81018] RFE: MQC-like CLI
24 Config," admitted as Trial Exhibit 842 in the *Cisco v. Arista* trial.

25 16. Attached hereto as **Exhibit BB** is a true and correct copy of Douglas Gourlay
26 deposition excerpts played in court during the *Cisco v. Arista* trial and lodged as Trial Exhibit 9079.

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1 17. Attached hereto as **Exhibit CC** is a true and correct copy of a July 13, 2009 email
2 from Jayshree Ullal to Kenneth Duda et al. with thread regarding “7148SX testing at Spirent [sic] this
3 week,” admitted as Trial Exhibit 278 in the *Cisco v. Arista* trial.

4 18. Attached hereto as **Exhibit DD** is a true and correct copy of the transcript of video
5 excerpts from a presentation by Lincoln Dale at the QUESTnet 2013 conference titled, “Cloud
6 Networking Designs and why enterprise network designs of the past don’t scale moving forward,”
7 admitted as Trial Exhibit 166-A in the *Cisco v. Arista* trial.

8 19. Attached hereto as **Exhibit EE** is a true and correct copy of a July 21, 2009 email from
9 Kenneth Duda to Anshul Sadana et al. with thread regarding “Opinions wanted on ACL cli
10 functionality,” admitted as Trial Exhibit 197 in the *Cisco v. Arista* trial.

11 20. Attached hereto as **Exhibit FF** is a true and correct copy of a January 21, 2014 email
12 from Donna Overstreet to Mark Foss with attachments regarding “Scripts,” admitted as Trial Exhibit
13 237 in the *Cisco v. Arista* trial.

14 21. Attached hereto as **Exhibit GG** is a true and correct copy of an August 17, 2011 email
15 from Hugh Holbrook to Adam Sweeney with thread “Regarding ‘show platform hardware capacity,’”
16 admitted as Trial Exhibit 648 in the *Cisco v. Arista* trial.

17 22. Attached hereto as **Exhibit HH** is a true and correct copy of a June 6, 2014 email from
18 Sundar Bettadahalli to Adam Sweeney et al. regarding “DHCP Option 82 for Microsoft,” admitted as
19 Trial Exhibit 650 in the *Cisco v. Arista* trial.

20 23. Attached hereto as **Exhibit II** is a true and correct copy of the January 22, 2003
21 Complaint that was filed in *Cisco Systems, Inc. v. Huawei Technologies Co., Ltd.*, Case No. 2:03-CV-
22 027, heard in the U.S. District Court for the Eastern District of Texas, admitted as Trial Exhibit 4671
23 in the *Cisco v. Arista* trial.

24 24. Attached hereto as **Exhibit JJ** is a true and correct copy of a Cisco-produced document
25 titled, “Cisco v. Huawei: Day One Media Coverage,” admitted as Trial Exhibit 4424 in the *Cisco v.*
26 *Arista* trial.

SIGNATURE ATTESTATION

Pursuant to Civ. L.R. 5-1(i)(3), the undersigned hereby attests under penalty of perjury that concurrence in the filing of this document has been obtained from the signatory indicated by the “conformed” signature (/s/) of registered ECF User Sara E. Jenkins.

Dated: January 31, 2017

/s/ Kathleen M. Sullivan

Kathleen M. Sullivan